

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRAD SCHWARTZMAN, et al.,

Plaintiffs,

- against -

LABEL, LLC, et al.,

Defendants.
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15-CV-5793 (VSB) (SDA)

OPINION & ORDER

Appearances:

Sheila Wolk
New York, New York
Pro Se

VERNON S. BRODERICK, United States District Judge:

On October 29, 2019, I referred the action to Magistrate Judge Stewart D. Aaron for general pre-trial, which includes scheduling, discovery, non-dispositive pretrial motions, and settlement. (Doc. 109). The remaining Plaintiffs in this case are Jeanne Ann Burton, Trustee in Bankruptcy for the Estate of Brad Schwartzman (“Trustee Burton”), and Trusgan, Inc. (“Trusgan”) (collectively, “Plaintiffs”). Plaintiffs had been represented in this case by the law firm of Maduegbuna Cooper LLP. On November 27, 2019, Maduegbuna Cooper LLP moved to withdraw as counsel for Plaintiffs because Trustee Burton issued a report of no assets in the bankruptcy case and confirmed to Maduegbuna Cooper LLP that the bankruptcy estate was abandoning this case as a potential asset and allowing Mr. Schwartzman to pursue the case independently. (Docs 121-122.) Mr. Schwartzman thereafter advised Maduegbuna Cooper LLP that he would not prosecute this case. (See Doc. 127)

On December 18, 2019, Judge Aaron granted the motion of Maduegbuna Cooper LLP to withdraw as counsel. (Doc. 127, at 2.) In addition, the Order stated that, unless successor counsel for Trusgan appeared in this case within 30 days of the date of the Order, Judge Aaron would recommend to me that this case be dismissed, since a corporation cannot appear pro se in this Court. (*Id.*) The same day, Maduegbuna Cooper LLP served a copy of Judge Aaron's Order upon Mr. Schwartzman and Trusgan. (Doc. 128.) To date, no successor counsel has appeared on behalf of Trusgan.

Before me is Judge Aaron's January 22, 2020, Report and Recommendation, which recommends dismissing the action. (Doc. 131).

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985).

Here, although the Report and Recommendation provided that "the parties shall have fourteen (14) days to file written objections to this Report and Recommendation," (Doc. 131 at 4), neither party has filed an objection, or sought an extension of time to file an objection. I have reviewed Judge Aaron's thorough and well-reasoned Report and Recommendation for clear error and, after careful review, find none. I therefore adopt the Report and Recommendation in its entirety.

CONCLUSION

Accordingly, this case is DISMISSED.

The Clerk's Office is respectfully directed to close the case.

SO ORDERED.

Dated: March 3, 2020

New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V" and "n". The last name "Broderick" is written with a large "B" and "r". The signature is positioned above a horizontal line.

Vernon S. Broderick

United States District Judge